

Application No. 10/798,531Client Reference No. N0185US**REMARKS****I. Status**

Claim 1 has been amended to address a minor informality and for clarification, and claims 28-32 have been added. No new matter has been added as a result. Support for the amendments can be found on at least page 4, lines 22-30; page 6, lines 8-29; page 7, lines 7-21; page 9, lines 8-16; page 11, lines 3-11; and page 14, lines 21-28 of the Applicants' specification as well as Figures 2-5. Accordingly, claims 1-32 are currently pending.

**II. Rejection Under 35 U.S.C. § 112**

Claim 1 was rejected as being indefinite for reciting the phrase "such as." Claim 1 has been amended, as shown above, to recite definite features. Accordingly, the rejection should be withdrawn.

**III. Rejections Under 35 U.S.C. § 103**

Claims 1-27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Koller, et al. (Virtual GIS: A Real-Time 3D Geographic Information System) in view of Radcliffe, et al. (Official Strategies and Secrets: Microsoft Flight Simulator 2004, A Century of Flight).

Claim 1 and Dependents

Claim 1 recites, *inter alia*, "a map database containing data that represent roads in a real-world geographic locale, the data including navigation-related attributes, including turn restriction content, for real-world navigation on the roads in the real-world geographic locale" and "an application programming interface program configured for running on the computer platform, for accepting requests for data from the game engine program, for accessing the data from the map database, and for providing data in a suitable format to the game engine program." The combination of the cited references does not teach or suggest at least these features.

Koller, et al. disclose a virtual GIS system that provides means for visualizing terrain models consisting of elevation and imagery data, along with GIS raster layers, protruding features, buildings, vehicles, and other objects. (Koller, et al.,

Application No. 10/798,531Client Reference No. N0185US

page 94, Abstract). Each dataset used with virtual GIS may contain several types of information such as terrain surfaces that are visualized as a mesh of shaded or textured polygons. (Koller, et al., page 95, first paragraph under 2.2 *Datasets*). Additional non-protruding features may be overlaid on the surface, such as graphical representations of roads and waterways. (Koller, et al., page 95, first paragraph under 2.2 *Datasets*). For example, phototexture aerial photo imagery may be overlaid, and GIS raster layer data corresponding to the terrain area may also be included in a dataset. (Koller, et al., page 95, second paragraph under 2.2 *Datasets*). Furthermore, Koller, et al. disclose the U.S. Army's interest in immersive systems that can navigate accurate terrains down to one meter resolution. (Koller, et al., page 94, third paragraph under 1 *Introduction*).

Radcliffe, et al. disclose a strategy and information guide regarding Microsoft simulator 2004. Within flight setup, one may choose a navigation type, either visual (VFR) or instrument (IFR), and different courses may be chosen. (Radcliffe, et al., page 112).

However, the combination of the cited references does not teach or suggest a map database containing navigation-related attributes, including turn restriction content, for real-world navigation on roads in a real-world geographic locale. Koller, et al. disclose overlaying graphical representations of roads or phototexture aerial photo imagery on a mesh to provide visualization of a terrain surface. However, such image data do not include navigation-related attributes for real-world road navigation, and there is no mention of turn restriction content for real roads. Koller, et al. mention an overview map with markers showing a position of a user (page 96, second paragraph under 2.3 *System Features*), but the markers merely aid in positioning within the virtual environment and are not information or attributes for performing real-world navigation-related functions for driving on the real-world roads. Also, Koller, et al. do mention immersive capabilities to navigate accurate terrains, but that is not the same as the claimed features. Koller, et al. use the term navigate in a general sense to view image data and virtually move about which is different than having a map database that contains navigation-related attributes (e.g., turn restriction content) for real-world navigation on roads in a real-world geographic locale. There is not mention of turn restriction content or other navigation-related

Application No. 10/798,531Client Reference No. N0185US

attributes that would support real-world navigation-related functions, such as route calculation, route guidance, destination time, and other functions, on real roads.

Radcliffe, et al. disclose choosing a navigation type within the context of setting up a flight. However, again, there is no teaching or suggestion of a map database containing navigation-related attributes, including turn restriction content, for real-world navigation on roads in a real-world geographic locale.

Firstly, the Examiner asserts that the feature specifying roads is an intended use. (Office Action, page 4). Applicants' respectfully disagree. By reciting that the map database contains navigation-related attributes for real-world navigation on roads, the applicants are positively claiming a data structure including real-world road navigation attributes. Accordingly, because the claim feature does not use optional language and requires a particular structure, it is not an intended use. See MPEP § 2106, part II, C.

Secondly, there is no teaching or suggestion of navigation-related attributes for real-world navigation, let alone turn restriction content for real-world navigation. There is no mention of turn restriction content. The data disclosed by Radcliffe, et al. may not include navigation-related attribute data for performing real-world navigation, let alone real-world navigation on roads. For example, the data disclosed by Radcliffe, et al. may be mere image data and internal game positioning information in which general gaming features, such as choosing a flight path and plotting a gaming course, are implemented on top of the image data for visual entertainment, but such data or features could not support or provide for real-world navigation, let alone real-world navigation on real roads.

Furthermore, the combined references do not teach or suggest an application programming interface program configured for accessing data from a map database and for providing data in a suitable format to the game engine program. Radcliffe, et al. do not mention an application programming interface program. The Examiner asserts that an application programming interface program would be inherent in Microsoft Flight Simulator 2004 for game requests. However, "the fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic." MPEP § 2112, part IV. Microsoft Flight Simulator 2004 and query functions of Koller, et al. may bring up or

Application No. 10/798,531Client Reference No. N0185US

access image data using a technique that does not implement an application programming interface program.

Accordingly, claim 1 is allowable for at least these reasons. Claims 2-13 and 28 depend, directly or indirectly, from allowable claim 1 and, therefore, are allowable for at least the same reasons.

#### Claim 14 and Dependents

Claim 14 recites features similar to the features of claim 1 described above. The arguments made in regards to claim 1 appropriately apply to claim 14 as well. Furthermore, claim 14 recites, *inter alia*, "using the application programming interface program to access the geographic data from a map database, the geographic data derived from a database suitable for vehicle navigation on roads in a real-world geographic locale." The combination of the cited references does not teach or suggest at least these features.

Neither Koller, et al. nor Radcliffe, et al. disclose a database suitable for real-world vehicle navigation, let alone data *derived* from a database suitable for *vehicle navigation on roads* in a *real-world* geographic locale. Datasets of graphical representations of roads or phototexture aerial photo imagery and visual gaming features are not the same as data derived from a database that is used for vehicle navigation-related functions, such as route calculation, route guidance, destination time, and other functions, on real roads.

Accordingly, claim 14 is allowable for at least these reasons. Claims 15-27 depend, directly or indirectly, from allowable claim 14 and, therefore, are allowable for at least the same reasons.

#### New Claims

Claims 28-32 have been added that recite features that are not taught or suggest by the combined references.

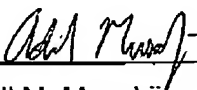
Application No. 10/798,531

Client Reference No. N0185US

**IV. Summary**

It is respectfully asserted that all of the pending claims are patentable over the cited references, and allowance of the pending claims is earnestly solicited. If the Examiner believes that a telephone interview would be helpful in resolving any outstanding issues, the Examiner is respectfully invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

  
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